

Message Text

LIMITED OFFICIAL USE

PAGE 01 MADRID 02977 171343Z

41

ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 EB-07 COME-00 PM-04 CIAE-00

INR-07 NSAE-00 DODE-00 L-03 CG-00 DOTE-00 IO-13

DLOS-04 SAL-01 TRSE-00 /058 W

----- 122954

R 151105Z APR 76

FM AMEMBASSY MADRID

TO SECSTATE WASHDC 5360

LIMITED OFFICIAL USE MADRID 2977

E.O. 11652: N/A

TAGS: EFIS, SP

SUBJECT: SEIZURE OF F/V: SPANISH REACTION

REF: STATE 86509, COMMANDER COAST GUARD 10/1304Z

AND PREVIOUS SITREPS

1. BERMEJO OF FISHERIES BUREAU, SPANISH COMMERCE
MINISTRY, CAME TO EMBASSY APRIL 12 AND 13 WITH WENCESLAO
GANDON, OWNER ANNA MARIA GANDON, WHO GAVE VERSION
SEIZURE REFERENCED SHIP EVIDENTLY DERIVING FROM ITS MASTER.
GANDON STATED REFERENCED SHIP WAS FISHING FOR SQUID,
WHEN COAST GUARD VESSEL BOARDED IT FOR INSPECTION. TWO
LOBSTERS WERE IN ITS NETS WHICH CREW JUST HAPPENED
TO BE PULLING IN. INSPECTORS, ACCORDING TO GANDON,
WOULD NOT ALLOW CREW THROW LOBSTERS INTO SEA, BUT
CONFISCATED THEM AND PLACED THEM IN PLASTIC BAGS. ON
BEING ALLOWED CONTINUE FISHING, CREW BROUGHT UP TWO
MORE LOBSTERS AS BY-CATCH, WHICH ALSO TAKEN BY IN-
SPECTORS AND PUT IN PLASTIC BAGS. DUE THIS BY-CATCH
OF FOUR LOBSTERS, GANDON WENT ON, VESSEL WAS DETAINED
AND TAKEN INTO PORT.

2. IN ANSWER EMBOFF QUESTIONS, GANDON SAID NO SIGN
PRESENT BY ORANGE BUOY OR OTHERWISE THAT POINT OF
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 MADRID 02977 171343Z

INSPECTION WAS IN LOBSTER AREA. NEITHER MAN ABLE

GIVE EXACT LOCATION INCIDENT.

3. GANDON STATED THAT JAPANESE AND ITALIAN FISHING VESSELS WERE IN AREA, NONE OF WHICH WAS EVEN INSPECTED. IN ANSWER EMBOFF QUESTION, GANDON STATED GEAR REFERENCED VESSEL USING WAS EXCLUSIVELY FOR SQUID FISHING.

4. EMBOFF NOTED THAT DETAILS OF INCIDENT AS REPORTED BY COAST GUARD VARIED CONSIDERABLY FROM ACCOUNT GANDON HAD RECEIVED FROM HIS CAPTAIN, MOST NOTABLY THAT SIGNIFICANT AMOUNTS LOBSTER HAD BEEN FOUND ON BOARD F/V ANNA MARIA GANDON AS WELL AS ALTA MAR AND PESCAMAR 1. GANDON THEN ASKED RHETORICALLY HOW A SHIP OWNER CAN PREVENT THIS CREW FROM CATCHING LOBSTER IN VIOLATION OF 16 USC 1081. EMBOFF STATED HE WAS NO FISHERMAN BUT HAD HEARD OF SOME VESSELS (READ PUXEIRAS) WHICH SEEM TO HAVE POSTED FIRM WARNINGS TO THE CREW AGAINST LOBSTER FISHING, WITH CLEAR SANCTIONS. SUCH VESSELS DID NOT SEEM TO HAVE ANY EVIDENCE AT ALL OF ILLEGAL LOBSTER CAPTURE. GANDON SAID HE HEARD THAT OTHER VESSELS DETAINED FOR LOBSTER FISHING WERE LARGELY RUSSIAN, ITALIAN, JAPANESE, AND SPANISH, ALL OF WHICH HAD INTERESTS IN SQUID FISHING. HE ADDED THIS VIEW IMPOSSIBLE FISH FOR SQUID WITHOUT SIGNIFICANT LOBSTER BY-CATCH.

5. APRIL 12 INTERVIEW CONCLUDED WITH GANDON WONDERING WHY CAPTAINS OF OFFENDING VESSELS WERE NOT PUNISHED FOR THESE INFRACTIONS, INSTEAD OF THE OWNERS, WHO HAVE SO MUCH LESS DIRECT CONTROL OVER THE CREW.

6. IN CONVERSATION APRIL 13 BETWEEN BERMEJO, GANDON AND EMBOFF, BERMEJO STATED THAT TAMAROA HAD INSPECTED GANDON IN CAPACITY AS ICNAF ENFORCEMENT VESSEL IN ADDITION TO U.S. LAW ENFORCEMENT ROLE, AND ADDED HIS VIEW THAT SUCH DOUBLE INSPECTION WAS IN VIOLATION ICNAF RULES AND CUSTOMS.

7. EMBOFF TOOK ADVANTAGE SECOND VISIT TO INQUIRE OF BERMEJO WHETHER MASTER OF ANNA MARIA GANDON AWARE THAT AREA OF INSPECTION WAS LOBSTER FISHING AREA. HE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 MADRID 02977 171343Z

STATED THAT NOTICE TO THAT EFFECT TRANSMULTED ON APRIL 1, BUT IN ENGLISH, WHICH PERSONNEL OF SUBJECT VESSEL MIGHT NOT NECESSARILY UNDERSTAND.

8. GANDON REPEATED PERSONAL VIEW THAT IT WAS UNJUST TO PENALIZE OWNER FOR THESE VIOLATIONS AND NOT THE MASTER OF THE VESSEL, SINCE LATTER IN MORE DIRECT CONTROL OF CREW. EMBASSY MADE NO REPLY TO THIS

STATEMENT BUT WOULD APPRECIATE ANY GUIDANCE DEPARTMENT CAN FURNISH ON THAT AND ON POINT RAISED IN PARA 6, SO THAT IT CAN REPLY SHOULD QUESTION BE REPEATED.
STABLER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SHIP DETENTION, FISHING LIMITS, ANNA MARIA GANDON F/V, GOVERNMENT REACTIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 15 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MADRID02977
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760146-1217
From: MADRID
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760458/aaaabxcv.tel
Line Count: 119
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION OES
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 86509
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 04 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 MAY 2004 by buchant0>; APPROVED <07 SEP 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SEIZURE OF F/V: SPANISH REACTION
TAGS: EFIS, SP, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006